

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

DALTON SANDERS,  
  
Plaintiff-Appellant,

UNPUBLISHED  
January 12, 2006

v

DEPARTMENT OF CORRECTIONS, ROBERT  
BROWN, JR., LYNN GREEN, M.D., DEAN  
RIEGER, M.D., GLORIA SMITH, D.D.S., and  
WILLIAM J. BYLAND, D.D.S.,

No. 255356  
Wayne Circuit Court  
LC No. 89-931148-CZ

Defendants-Appellees.

---

Before: O’Connell, P.J., and Smolenski and Talbot, JJ.

PER CURIAM.

Plaintiff appeals as of right from a circuit court order granting defendants’ motion for case evaluation sanctions. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff does not dispute that defendants were entitled to case evaluation sanctions. He contends only that the attorney fees awarded were not strictly necessitated by his rejection of the case evaluation, and thus were not compensable. The amount of sanctions awarded is reviewed for an abuse of discretion. *Campbell v Sullins*, 257 Mich App 179, 197; 667 NW2d 887 (2003). An abuse of discretion exists when an unprejudiced person would find that there was no justification or excuse for the court’s ruling. *Gilbert v DaimlerChrysler Corp*, 470 Mich 749, 761-762; 685 NW2d 391 (2004).

The costs to be awarded include taxable costs plus a reasonable attorney fee based on a reasonable hourly or daily rate as determined by the trial court for services necessitated by the rejection of the case evaluation. MCR 2.403(O)(6). In order to be compensable under MCR 2.403(O)(6), there must be a causal nexus between the rejection of the case evaluation and the incurred expenses. *Haliw v Sterling Heights*, 471 Mich 700, 711 n 8; 691 NW2d 753 (2005) (rejecting prior decisions that have construed “necessitated by the rejection” as a mere temporal demarcation).

Despite the fact that the case was ignored for ten years after being remanded to the district court, defendants did not request, and the trial court did not award, any fees incurred during that time. The only fees awarded were those incurred after the case had been returned to

circuit court and the parties prepared for trial. Further, the trial court disallowed over \$2,000 in attorney fees, which were attributable to events outside plaintiff's control. Likewise, because the trial court did not grant defendants' dispositive motion in its entirety, defendants' trial counsel still had to prepare for trial and attend court hearings. It was only due to plaintiff's decision to dismiss his remaining claims for appeal purposes that the case did not actually proceed to trial.<sup>1</sup> Thus, the trial preparation fees were properly attributable to plaintiff's rejection of the case evaluation. Consequently, on the record before us, we cannot conclude that the trial court abused its discretion.

Affirmed.

/s/ Peter D. O'Connell  
/s/ Michael R. Smolenski  
/s/ Michael J. Talbot

---

<sup>1</sup> Further, we find plaintiff's contention that much of the time spent by defendants' trial counsel on this case must have been the result of the "extraordinary circumstances caused by the 10 year interruption of the case" to be mere speculation.